

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

BRIGHTEDGE TECHNOLOGIES, INC.,  
Plaintiff,  
v.  
SEARCHMETRICS GMBH. ET AL.,  
Defendants.

Case No.4:14-cv-01009-HSG

**STIPULATION AND [PROPOSED]  
ORDER REGARDING CASE  
SCHEDULE THROUGH CLAIM  
CONSTRUCTION**

1 IT IS HEREBY STIPULATED AND AGREED, by and between BrightEdge  
2 Technologies, Inc. ("BrightEdge") and Defendants Searchmetrics GmbH and Searchmetrics, Inc.  
3 (collectively, "Searchmetrics") through their undersigned counsel, as follows:

4 WHEREAS The following events occurred pursuant to the Patent Local Rules, prior to the  
5 Court staying this case on November 21, 2014 (Dkt. No. 109):

<b>Date</b>	<b>Event</b>	<b>Patent L.R.</b>
6 6-6-14	BrightEdge disclosed asserted claims, infringement contention, and its accompanying document production	3-1 & 3-2
7 8-27-14	Searchmetrics disclosed invalidity contentions and its accompanying document production	3-3 & 3-4
8 9-8-14	The parties exchanged proposed terms for construction	4-1
9 9-29-14	The parties exchanged preliminary claim constructions and extrinsic evidence	4-2
10 10-27-14	The parties filed a joint claim construction and prehearing statement	4-3

12 WHEREAS the Patent Local Rules were amended on January 17, 2017 to add additional  
13 requirements necessitating amendment/supplementation of some of these disclosures as described  
14 below.

15 IT IS HEREBY STIPULATED that, subject to the Court's approval, the Parties agree to  
16 the following case schedule through claim construction:

<b>Date</b>	<b>Event</b>	<b>Patent L.R.</b>
18 Any time	Searchmetrics may file its motion for judgment on the pleadings based on 35 U.S.C. § 101 (limited to 25 pages)	
19 21 days after Searchmetrics files its § 101 motion	BrightEdge files its opposition to Searchmetrics' motion for judgment on the pleadings based on 35 U.S.C. § 101 (limited to 25 pages)	
21 10 days after BrightEdge files its opposition to Searchmetrics, § 101 motion	Searchmetrics files its reply in support of its motion for judgment on the pleadings based on 35 U.S.C. § 101 (limited to 15 pages)	
25 TBD	The Court holds a hearing on Searchmetrics' motion for judgment on the pleadings based on 35 U.S.C. § 101	
26 10-17-17	Deadline for the parties to complete meet and confers and resubmit only the live portions of prior discovery disputes and motion to seal (Dkt. Nos. 105, 106, 107, and 108) to Judge James (see Dkt. No. 110)	--
28 10-24-17	BrightEdge supplements its infringement contentions and	3-1(h) & 3-

<b>Date</b>	<b>Event</b>	<b>Patent L.R.</b>
	accompanying document production only to comply with the amendments to the Patent Local Rules	2(f)-(j)
11-27-17	Searchmetrics supplements its invalidity contentions and accompanying document production only to comply with the amendments to the Patent Local Rules	3-3(a), (c) & 3-4(c)-(e)
1-16-18	BrightEdge serves damages contentions	3-8
2-15-18	Searchmetrics serves responsive damages contentions	3-9
3-1-18	BrightEdge files its opening claim construction brief	4-5(a)
3-13-18	Searchmetrics completes depositions of any expert who offers a declaration in support of BrightEdge' claim construction positions	4-4
3-15-18	Searchmetrics files its responsive claim construction brief	4-5(b)
3-20-18	BrightEdge completes depositions of any expert who offers a declaration in support of Searchmetrics' claim construction positions	4-4
3-22-18	BrightEdge files its reply claim construction brief	4-5(c)
4-5-18	The court holds a claim construction hearing	4-6

DATED: October 12, 2017

Respectfully submitted,

BAKER BOTTS L.L.P.

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Attorneys for Plaintiff

BRIGHTEDGE TECHNOLOGIES, INC.

1 DATED: October 12, 2017

Respectfully submitted,

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3 DLA PIPER LLP (US)

4  
5 By: /s/ Carrie Williamson (with permission)

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15 SEARCHMETRICS GMBH and  
16 SEARCHMETRICS, INC.

1  
2 ~~PROPOSED ORDER~~  
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5 PURSUANT TO THE ABOVE STIPULATION, IT IS SO ORDERED.  
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7 Dated: 10/12/2017  
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13 Hon. Haywood S. Gilliam, Jr.  
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